

REMARKS

Claims 1-28 are currently pending in the present application, and are currently under consideration. Claims 1, 5-8, 18, 20, 22, 23 and 27 have been amended herein. Claim 9 has been canceled herein. Applicant acknowledges with appreciation the Examiner considering claims 14-17 to be allowable.

I. Rejection of Claim 6 Under 35 U.S.C. §112

Claim 6 stands rejected under 35 U.S.C. §112 because there is insufficient antecedent basis for the term "the bar code reader".

Claim 6 has been amended herein to eliminate the term "the bar code reader", and to depend from claim 4. It is believed that any previous problems with antecedent basis in this claim has been corrected. Accordingly, it is believed that this rejection has been traversed and withdrawal thereof is respectfully requested.

II. Rejection of Claims 1-13 and 18-28 Under 35 U.S.C. §103(a)

Claims 1-13 and 18-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kull (U.S. 5,681,015) in view of Jowers *et al.* (U.S. 4,126,779). In particular, the Examiner contends that applicant's invention as recited in claims 1-13 and 18-28 would have been obvious by combining the control system of Kull with the card reader and encoder features of Jowers *et al.*

Applicant respectfully disagrees with this rejection for at least the following reasons. Both references (Kull and Jowers *et al.*) taken alone or in combination are nonanalogous to the subject invention and therefore cannot be the basis for establishing a *prima facie* case of obviousness. In particular, the present invention relates to a programmable mobile device in which a thumb wheel is employed to select among a plurality of functions or options selectable by a user from a menu on a display of the mobile device. Conventional mobile devices typically require a user to employ both hands to interact with the mobile device - one hand to hold the mobile device and the other hand to depress keys of the mobile device. As a result of the present invention,

a user of the mobile device can accomplish many tasks involving the mobile device with only one hand by moving a highlight bar or cursor among a menu of choices. The user can hold the mobile device in one hand and use the thumb wheel to interact with the mobile device with the same hand.

Neither Kull nor Jowers *et al.* relates to a mobile device or provides any motivation to use their teachings in a mobile device. Thus, neither reference is within the field of the inventor's endeavor. Furthermore, neither Kull nor Jowers *et al.* are reasonably pertinent to the problem to which the present inventor was involved (*e.g.*, allowing a user of a mobile device to operate the mobile device with one hand).

Kull relates to a train integrity detection system which provides an additional pressure monitoring function for an end-of-train (EOT) monitoring system which will enable an integrity check of the train on which it is installed. Kull mentions the use of thumb wheel switches 22, but they are different from the thumb wheel of applicant's invention. The term "thumb wheel" in Kull is employed to describe wheels which are used to set numbers of an end of train unit (EOT) 14 in a manner similar to the use wheels in a briefcase lock to set numbers in a particular combination to open the lock. In particular, in Kull the thumb wheel switches are used in connection with a non-mobile locomotive control unit (LCU) 12 to provide for an operator to manually enter the unique code number of the EOT 14. On the other hand, in applicant's invention the term "thumb wheel" is employed to describe a switch for navigating and selecting among options from a menu on a display.

Thus, Kull does not teach use of the type of thumb wheel of the present invention let alone teach use of a thumb wheel to navigate among a menu of options of a mobile device.

Jowers *et al.* relates to a remittance processor. The Examiner relies on Jowers *et al.* to teach an encoder. Although Jowers *et al.* uses the term "encoder" to describe a specific circuit, the function is nothing similar to the use of an encoder in applicant's invention. In Jowers *et al.*, the encoder is a document encoder which encodes the contents of a document in magnetic ink for subsequent electronic comparison. See col.

4, Ins. 8-38. The encoder 62 of applicant's invention provides for determining operator displacement of the wheel portion 13a of the thumb wheel 13. Thus, although the words are the same, the encoder of Jowers *et al.* is completely different from the encoder 62 of applicant's invention.

Turning now to some of the claims in detail, claim 1 is directed to a hand held mobile device. Claim 1 has been amended herein to clearly convey that the thumb wheel provides for selecting at least one function among a plurality of functions displayed on the mobile device. Neither Kull nor Jowers *et al.* are directed to a hand held mobile device. Thus, neither reference is within the field of the inventor's endeavor. Furthermore, neither reference is reasonably pertinent to the particular problem which the inventor was involved (*e.g.*, allowing a user of a mobile device to operate the mobile device with one hand). As discussed above, the thumb wheel of Kull is completely different from the thumb wheel of the present invention, and the encoder of Jowers *et al.* is also completely different from the encoder of the subject invention. Thus, applicant's invention as recited in claim 1 is not obviated by the Examiner's combination of Kull and Jowers *et al.*

Claim 2 which depends from claim 1 further includes the limitation of an encoding device for indicating movement of the wheel portion. As noted above, the encoder of Jowers *et al.* is a document encoder not an encoder for discerning movement of a portion of a thumb wheel as in applicant's invention.

Claim 3 depends from claim 1 is patentable for at least the same reasons noted above to the patentability of claim 1.

Claim 4 depends from claim 1 and further recites a wheel portion that is transaxially moveable. The wheel portion of the present invention rotates about an axis and also is transaxially moveable. As a result, a user of the mobile device can scroll through a series of functions by rotating the wheel portion and select a function by depressing the wheel portion (*e.g.*, moving the wheel portion transaxially). Neither Kull nor Jowers *et al.* teach the type of thumb wheel of applicant's invention let alone a transaxially moveable wheel portion.

Claims 5-8 depend directly or indirectly from claim 1 and are patentable for at least the same reasons noted above to the patentability of claim 1.

Claim 10 recites that the thumb wheel is selectively moveable to select at least one item of a plurality of items stored by the mobile device. Kull does not teach a mobile device, and in Kull the thumb wheel switches only provide for manually entering a code number of EOT unit 14. The thumb wheel switches of Kull do not provide for selecting from a plurality of items displayed on a display of a mobile device as in applicant's claimed invention.

Claim 11 recites producing a tone corresponding to a particular movement of the thumb wheel. Neither Kull nor Jowers *et al.* teaches or suggests this feature.

Claim 12 recites varying the tone according to the particular movement of the thumb wheel. Neither Kull nor Jowers *et al.* teaches or suggests this feature.

Claim 13 recites the use of the thumb wheel to change the contrast of a display screen, Neither Kull nor Jowers *et al.* teaches or suggests this feature.

Claim 18 is directed to a mobile device. Claim 18 has been amended herein to clearly convey that the thumb wheel provides for selecting at least one function among a plurality of functions displayed on the mobile device. As noted above, neither Kull nor Jowers *et al.* is directed to a mobile device. Furthermore, neither of these references is reasonably pertinent to the problem which the present invention solves. Consequently, the Examiner's combination of Kull and Jowers *et al.* does not obviate applicant's invention. Additionally, claim 18 recites a wheel portion that is transaxially moveable, and an encoding device and a control circuit coupled to the encoding device which outputs a signal to a processor in response thereto, wherein the processor performs a particular routine among a plurality of routines in response to the signal output from the control circuit. Neither Kull nor Jowers *et al.* alone or in combination teach or suggest such features. As mentioned above, neither reference teaches the type of thumb wheel or encoder of applicant's invention, and therefore these references do not obviate applicant's claimed invention.

Claim 19 depends from claim 18 and is patentable over Kull and Jowers *et al.* for at least the same reasons mentioned above to the patentability of claim 18.

Claim 20 is directed to a mobile device for use in a wireless communication system. Claim 20 has been amended herein to clearly convey that the thumb wheel facilitates a user selecting at least one function among a plurality of functions displayed on the mobile device. Neither Kull nor Jowers *et al.* is directed to a mobile device. Furthermore, neither of these references is reasonably pertinent to the problem with which the present inventor was involved. Consequently, the Examiner's combination of Kull and Jowers *et al.* does not obviate applicant's invention.

Claim 21 depends from claim 20 and further recites that the wheel portion is transaxially moveable. As noted above, neither Kull nor Jowers *et al.* teaches or suggests the type of thumb wheel of applicant's invention let alone a transaxially moveable wheel portion.

Claim 22 depends from claim 21 and further recites that transaxial movement of the wheel portion initiates selection of the at least one function. Neither Kull nor Jowers *et al.* teaches or suggests this feature.

Claim 23 depends from claim 21 and is patentable for at least the same reasons noted above to the patentability of claims 20 and 21.

Claim 24 depends from claim 23 and further recites that movement of the wheel portion moves a cursor on the display screen. This feature is not taught or suggested by Kull or Jowers *et al.*

Claim 25 depends from claim 24 and further recites that transaxial movement of the wheel portion cause the processor to perform operations associated with the highlighted function. Neither Kull nor Jowers *et al.* teach transaxial movement of the wheel portion let alone such transaxial movement triggering a processor to perform a highlighted function.

Claims 26 and 27 depend directly or indirectly from claim 25 and include further limitations directed to movement of the wheel portion and therefore are patentable for at least the same reasons offered above to the patentability of claim 25.

Claim 28 depends from claim 24 and is patentable for at least the same reasons noted above to the patentability of claim 24.

For the above reasons, it submitted that applicant's invention as recited in claims 1- 8, 10-13 and 18-28 are patentably distinct over the Examiner's combination of Kull and Jowers *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

III. Conclusion

The present application is believed to be condition for allowance in view of the above amendment and comments. A prompt action to such end is earnestly solicited.

Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to Deposit Account No. 18-0988.

Respectfully submitted,

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